

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: STEINMAN=1B

In re Patent of:)	Conf. No.: 5046
)	
Lawrence STEINMAN et al.)	
)	
Patent No.: 6,794,414)	Washington, D.C.
)	
Issued: September 21, 2004)	August 23, 2007
)	
For: METHOD AND COMPOSITIONS FOR)		ATTN: Certificate of
TREATING DISEASES MEDIATED)		Correction Division
BY TRANSGlutaminase ...)	

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 35 U.S.C. §1.322 OR
37 U.S.C. §1.323

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Post Issue
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby requests that the above identified patent be amended to show the name and residence of the second inventor, Marcella KARPUJ. Submitted herewith is one copy of the Certificate of Correction form.

The present application was filed as a National Stage application under 35 U.S.C. 371 of PCT/US99/13615, which was published as WO99/65516. It can be seen from the front page of the publication that the international application lists two inventors, Lawrence STEINMAN and Marcella KARPUJ.

In response to a notification of missing requirements, mailed March 6, 2001, a communication was filed

on September 6, 2001, entitled "Late Submission of Declaration and/or Translation in Application filed under 35 U.S.C. '371." Attached to this communication was a Combined Declaration for Patent Application And Power Of Attorney having a single first page and two second pages, one of which was signed by Lawrence STEINMAN, but also listed Marcella KARPUJ as the second joint inventor, and the other of which was signed by Marcella KARPUJ with a residence, post office address, and citizenship handwritten therein. Both were signed on September 6, 2001, the same day that they were filed with a four month extension of time fee. Subsequently, despite a clear indication of the existence of two inventors, both in the international application and on both signature pages of the declaration submitted on September 6, 2001, an official filing receipt was issued listing only Lawrence STEINMAN as an applicant. This error on the part of the Patent and Trademark Office was overlooked by applicant during prosecution.

When the patent issued listing only a single inventor and an inquiry was made by the assignee why only a single inventor was listed, applicant's file wrapper was compared with the image file wrapper available on the PTO website. It was then noticed that in the PTO image file wrapper, the page of the declaration containing the signature and address and citizenship information of Marcella KARPUJ was not to be found. However, the page signed by Lawrence STEINMAN and listing Marcella KARPUJ as a second inventor was present.

Other than the fact that both signatures were dated September 6, 2001, and both showed facsimile markings on the top indicating that they had been faxed to Browdy and Neimark on September 6, 2001, and the fact that all of the pages were properly filed in applicant's file, applicant has no firm proof that the KARPUJ signature page was ever filed. The postcard receipt indicates that a declaration was filed, but does not indicate how many pages.

Attached hereto is a copy of the declaration executed by Marcella KARPUJ on September 6, 2001. It is respectfully requested that this document be made of record in the patent file.

It should be noted that this is not a request for correction of inventorship under 35 U.S.C. 256, as there was no error in naming of persons as inventors. The application was filed naming two inventors and both names appear on the declaration of record in the image file wrapper, even though the image file wrapper does not contain a declaration with a signature of the second inventor. Nevertheless, the name is there and, thus, it clear that both individuals were named in the application and the error by which this person was not named on the patent was not an error of applicant.

Regardless of whether the KARPUJ signature page was actually filed on September 6, 2001, and the Patent and Trademark Office lost it prior to imaging, or whether it was inadvertently omitted by applicant when the declaration was

filed on September 6, 2001, the Patent and Trademark Office clearly made an error in not acknowledging the second inventor listed on the STEINMAN declaration and in the PCT application. Accordingly, it is urged that this is an error on the part of Patent and Trademark Office that should be corrected under 37 CFR 1.322.

To the extent that the Office considers this to be at least partially an error of applicant, applicant's error is merely of a clerical nature and certainly does not constitute new matter or require reexamination. If the Patent and Trademark Office deems that the Certificate of Correction can only be granted under 37 CFR 1.323, then applicant hereby authorizes that the appropriate fee be charged to the deposit account of the undersigned, No. 02-4035.

Granting of this request and issuance of the attached Certificate of Correction naming Marcella KARPUJ, San Francisco, CA (US), as the second named inventor on the face of the present patent is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,794,414
APPLICATION NO.: 09/719,770
ISSUE DATE : September 21, 2004
INVENTOR(S) : STEIMAN et al

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It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- 1) On the cover, in section 12, the name of the inventor should read --Steinman et al.--.
- 2) On the cover, in section 75, insert the following additional inventor information: --Marcella Karpuj, San Francisco, CA (US)--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

BROWDY AND NEIMARK
624 Ninth Street, NW
Suite 300
Washington, DC 20001-5303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.